IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 18200 of 2004

Between:

1 The President, Bennett Coleman & Co. Limited,
Times of India, Dr. D.N. Road, MUMBAI - 400 001.
2 The Manager, Bennett Coleman & Co. Limited,
Times of India,8-2-351, Road No.3, Banjara Hills, Hyderabad -34

... PETITIONERS

AND

1 P.V. Ramana Rao, S/o. P.V. Subba Rao,
3-28-1/8, Gandhi Road, First Land, Brundavan Garden, Guntur-6.
2 The Hon'ble Presiding Officer, Labour Court, Guntur.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue suitable order, direction or a Writ particularly one in the nature of Certiorari and to set aside the order passed in M.P.No.30 of 2003 dated 09-09-2004 on the file of the Hon'ble Labour Court, Guntur as illegal and arbitrary and to allow this Writ Petition with costs in the interest of justice and equity as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.C.NIRAJAN RAO

Counsel for the Respondent No.2: GP FOR LABOUR

Counsel for the Respondent No.1: -------

The Court at the admission stage made the following order:

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ORDER:

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The writ petitioners are employers. The first respondent herein, who is the petitioner before the Labour Court, Guntur, filed MP.No.30 of 2003 under Section 33(c)(2) of Industrial Disputes Act, 1947 (for short 'the Act') claiming certain amount from the writ petitioners. The writ petitioners-management authorized Sri C.V.Niranjan Rao, a legal member of employers Federation of Southern India to represent their case in the said matter.

After receipt of the MP along with the authorization the Labour Court passed the following order on 09.09.2004

> "Sri C. Niranjan Rao, Advocate is appointed by the management to represent the case of the management. Since, the petitioner has not engaged advocate, Sri C. Niranjan Rao, Advocate is not permitted to represent the management."

According to Section 36 Clause 4 of the Act in any proceedings before a Labour Court, a party to a dispute may be represented by a legal practitioner with the consent of the other parties to proceeding and with the leave of the Labour Court as the case may be.

Under Section 36 (2) (b) of the Act an officer of federation of association of employers to which the association referred to in Clause (a) is affiliated; by virtue of the above Section the employer is entitled to be represented by

Sri C. Niranjan Rao, a member of the employers federation. But the Labour Court without verifying the authorization dated 13.08.2004 and the provisions covered by Section 36 of the Act passed the impugned order. Therefore, it is liable to be set aside.

In the result the writ petition is allowed. The impugned order dated 09.09.2004 passed by the Presiding Officer, Labour Court is set aside. The Labour Court is directed to permit

Sri C. Niranjan Rao, to represent the writ petitioners. Simultaneously the Labour Court may also permit the workman to engage a legal practitioner, if he so desires, to represent his case. No order as to costs.

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Dr. G. YETHIRAJULU, J

October 7, 2004

Dsk

To

1. The Hon'ble Presiding Officer, Labour Court, Guntur.

2. Two CCs to GP For Labour, High Court Buildings, Hyderabad (OUT)

3. Two CD Copies.